

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:)	Examiner: Huynh, Phuong N.
)	
Paul G. BRUNETTA, et al.)	Art Unit: 1644
)	
Application Serial No. 10/719,310)	Confirmation No. 3292
)	
Filed: November 21, 2003)	Attorney's Docket No. 39766-0205
)	
For: THERAPY OF NON-)	Customer No. 25213
MALIGNANT DISEASES OR)	
DISORDERS WITH ANTI-ErbB2)	
ANTIBODIES)	

FILED VIA EFS – MARCH 28, 2007

DEPOSIT STATEMENT BY ATTORNEY OF RECORD

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

In order to complete the record in connection with the above-identified patent application, I hereby state and confirm that the following hybridoma cell lines have been deposited with the American Type Culture Collection (ATCC), 10801 University Boulevard, Manassas, VA 20220-2209, USA (ATCC), under the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purpose of Patent Procedure and the Regulations thereunder (Budapest Treaty):

Antibody Designation	ATCC No.	Deposit Date
7C2	ATCC HB-12215	October 17, 1996
7F3	ATCC HB-12216	October 17, 1996
4D5	ATCC CRL 10463	May 24, 1990
2C4	ATCC HB-12697	April 8, 1999

I further confirm that the foregoing deposits assure maintenance of a viable culture of the deposit for 30 years from the date of deposit. The deposits will be made available by ATCC

under the terms of the Budapest Treaty, and subject to an agreement between Genentech, Inc. and ATCC, which assures that all restrictions imposed by the depositor on the availability to the public of the deposited material will be irrevocably removed upon the granting of the pertinent U.S. patent, assures permanent and unrestricted availability of the progeny of the culture of the deposit to the public upon issuance of the pertinent U.S. patent or upon laying open to the public of any U.S. or foreign patent application, whichever comes first, and assures availability of the progeny to one determined by the U.S. Commissioner of Patents and Trademarks to be entitled thereto according to 35 USC § 122 and the Commissioner's rules pursuant thereto (including 37 CFR § 1.14 with particular reference to 886 OG 638).

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Timothy R. Schwartz', is written over a horizontal line.

Timothy R. Schwartz, Ph.D.
Reg. No. 32,171

Date: March 28, 2007

SV 2263382 v1
3/28/07 11:37 AM (39766.0205)